

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In Re Application of: Andrew Lukas. : Group No.: 3625
Application No.: 09/518,916 : Examiner: Zurita, James H.
Filed: 03-03-2000 : Attorney 1160215/0531073
Docket No:
For: SYSTEM AND METHOD FOR OPTIMIZING A PRODUCT
CONFIGURATION

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231
Office of the Assistant Commissioner for Patents

**PETITION TO REVIVE FOR UNAVOIDABLE
ABANDONMENT**

PETITION

1. Applicant petitions that the abandonment set forth in the notice mailed by the Office on June 7, 2006 be withdrawn.

SUBMISSION

2. Submitted herewith is:
- ☒ A copy of the amendment and response from PAIR with a stamped date of October 21, 2005. A copy of the image wrapper from PAIR is also attached hereto.
3. Please proceed with further examination of this application on the basis of:
- ☐ The original papers filed, which have now reached the appropriate area of the PTO.

AND/OR

- ☒ The attached copy of the papers originally filed.

PETITION FEE

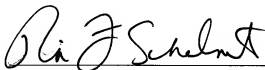
4. The petition fee (37 C.F.R. 1.17(h)) should not be required as Applicant filed a timely response.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

Acknowledgement of the active status of this application is respectfully requested.

Reg. No: 47,058

Customer No.: 26874



Signature

Ria Farrell Schalnatt

(type or print name of practitioner)

FROST BROWN TODD LLC
201 E. Fifth Street
2200 PNC Building
Cincinnati, OH 45202-4128



**Frost
Brown Todd** LLC
ATTORNEYS

OHIO • KENTUCKY • INDIANA • TENNESSEE

Victor C. Moreno
513.651.6812
vmoreno@fbtlaw.com

October 17, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Application: 09/518,916
Filed: 3/3/2000
Applicants: Lukas, et al.
For: System and Method for Optimizing a Product Configuration
Atty Ref.: 1160215 - 0531073

Dear Sir:

Enclosed for filing are the following papers for the above-referenced patent application:

1. Supplemental Information Disclosure Statement;
2. Amendment and Response;
3. Check for \$300.00; and
4. Self-addressed postage prepaid return receipt postcard.

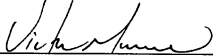
The fee has been calculated as shown below:

	Number of Claims	Highest Previous Paid For	Extra Claims	Rate	Fee (Dollars)
Total Claims	39	39	0	x \$50 =	0
Independent Claims	3	3	0	x \$200 =	0
If multiple dependent claims, add \$360.00					n/a
Supplemental Information Disclosure Statement					180.00
One month extension					120.00
TOTAL FEE DUE:					\$300.00

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 06-2226.

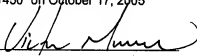
Respectfully submitted,

FROST BROWN TODD LLC


Victor C. Moreno (Reg. No. 40,732)

Certificate of Mailing

The undersigned certifies that this correspondence was deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on October 17, 2005





PATENTS

UNITED STATES PATENT AND TRADEMARK OFFICE

Application: 09/518,916

Examiner: James H. Zurita

Filed: 3-3-2000

Art Unit: 3625

Inventor: Lukas, et al.

Atty Ref.: 1160215-0531073

Title: **System and Method for Optimizing a Product Configuration**

INFORMATION DISCLOSURE STATEMENT

In accordance with 37 CFR 1.97 and 1.98 Applicant herewith submits certain information that the Patent & Trademark Office may wish to consider in examining the above-identified application. The information is listed on the attached PTO/SB/08A and 08B. Copies of the information are also provided. Please treat such information as prior art until proven otherwise. No representation is made or intended that a prior art search has been made, that better information is available, or that the information qualifies as prior art or is material to patentability.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 06-2226.

Respectfully Submitted,

Victor C. Moreno (Reg. No. 40,732)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6812

Certificate of Mailing

The undersigned certifies that this correspondence was deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450," on this 17 day of Oct, 2005.

10/24/2005 BABRAH01 00000064 09518916

01 FC:1806

180.00 DP



Substitute for Form 1449B/PTO

PTO/SB/08A and 08B (modified)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 1 of 1

Complete if Known

Application Number	09/518,916
Filing Date	03/03/2000
First Inventor	Lukas, Andrew V., et al.
Art Unit	3625
Examiner Name	Zurita, James H.
Attorney Docket No.	1160215.0531073

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, columns, lines where relevant passages or relevant figures appear
		US-2001/0032140 A1	10-18-2001	Hoffman	
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code ³ - Number ³ - Kind Code ³ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, columns, lines where relevant passages or relevant figures appear	T ⁴
		WO97/44767	11-27-1997	Cook, et al.		
		WO98/32107	07-23-1998	Padwa.		
		EP 0 829 996 A2	03-18-1998	Brown, et al.		
		WO00/29977	05-25-2000	Mukherjee.		

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁴
		Retro search results for Abandoned Shopping Cart Problem Article. Ginger Koloszyk, Abandoned "Shopping Carts" Pose Major Challenge for Internet Retailers, July 1999, Pages 41-44, Stores.	
		"Meet Lightspan - Lightspan's Management Team", http://www.lightspan.com/cgi-bin/ac , pages 1-3, April 18, 1996.	
		"Meet Lightspan - Expanding the Learning Environment", http://www.lightspan.com/cgi-bin/ac , pages 1-4, April 18, 1996.	
		Giuseppe Attardi, Antonio Cisternino, and Maria Simi, "Web-based Configuration Assistants", pages 1-9.	
		Wendell Lansford, "Real-time interactive sales and services across the Internet: Optimizing the customer experience", Call Center Solutions volume 17 number 5, pages 54-59, November 1998.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner
Signature

Date
Considered

CinLibary 1160215.0531073 1564502r1



PATENTS

UNITED STATES PATENT AND TRADEMARK OFFICE

S/N:	09/518,916	Examiner:	James H. Zurita
Filed:	3-3-2000	Art Unit:	3625
Inventor:	Lukas, et al.	Atty. Ref.:	1160215 – 0531073
Title:	System and Method for Optimizing a Product Configuration		

AMENDMENT AND RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on 06/17/2004, please amend the above-referenced application as follows:

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 12 of this paper.

10/24/2005 BABRAHAI 00000064 09518916

02 FC:1251

120.00 DP

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method of optimizing a product during an optimization session, each optimization session comprising one or more computer sessions, said product including a base product, the method comprising the steps of:

(b)(a) obtaining an identification of a user and a preliminary designation of said product; said identification identifying a user profile that is uniquely associated with said user, the user profile being persistent across multiple optimization sessions and including at least one characteristic corresponding to said user;

(b) providing a formatted display that includes a set of content related to said product and a format, the set of content and the format determined by the at least one characteristic in said user profile;

(b)(c) updating, based on a response by the user;

(1) the at least one characteristic in said user profile to create an updated user profile;

(2) a component associated with said base product when said response includes a selection of an option from a different set of options associated with said component;

(d) storing said updated user profile to determine the set of content and format of the formatted display for a future presentation made to said user; and

(e) repeating steps (b) through (d) across one or more computer sessions at least once to optimize said product.

2. (Previously Presented) The method of Claim 1, wherein said product further

includes a plurality of components associated with said base product, each component in said plurality of components corresponding to, and selected by said user from, a different set of options, using said formatted display.

3. (Previously Presented) The method of Claim 2, wherein a default option is designated for each component in said plurality of components.

4. (Previously Presented) The method of Claim 2, wherein said formatted display comprises a menu including one or more elements selected from the group consisting of an option selected from said different set of options associated with said component, a frequently asked question associated with said component, an instructional sequence prompt, and a recommendation message.

5. (Currently Amended) The method of Claim [4,]1, further comprising presenting in the formatted display one or more suggested components based on the user profile, wherein said characteristic in said user profile that is updated in step (c) of Claim 1, based on said response to said formatted display, determines an element that is included in said menu in a subsequently executed instance of step (b) of Claim 1.

6. (Previously Presented) The method of Claim 1, wherein the formatted display provides a portion of a set of options corresponding to a component associated with said base product.

7. (Currently Amended) The method of Claim 1, wherein said response to said formatted display of step (b) includes a designation of an option for a component associated with said base product and step (c) further comprises the step of updating at least one characteristic in said user profile associated with said component said component in said user profile.

8. (Previously Presented) The method of Claim 1, wherein said product is optimized when said user indicates that said product is optimized.

9. (Previously Presented) The method of Claim 1, wherein said formatted display reports a correlation between a component in said product and a characteristic in said

user profile when said correlation exceeds a threshold value.

10. (Previously Presented) The method of Claim 9, wherein said correlation between said component in said product and said characteristic in said user profile is reduced when there is a conflict between a first and a second component in a plurality of components associated with said base product.

11. (Previously Presented) The method of Claim 9, further comprising the steps of:

determining a change to a component in the plurality of components associated with said base product that maximizes said correlation between said component in said product and said characteristic in said user profile;

presenting said change in response to a user generated event; and

implementing said change to said product when a confirming response is received.

12. (Previously Presented) The method of Claim 9, wherein said product further includes a plurality of components associated with said base product, each component in said plurality of components associated with, and selected from, a different set of options; and

said correlation between a component associated with said product and a characteristic in said user profile exceeds a threshold value when said response to said formatted display of step (c) includes a designation of an option for a component associated with said base product.

13. (Currently Amended) The method of Claim 1, wherein a timer is used to monitor the period of time between the presentation of said formatted display and the response to the formatted display by the user and, when said user does not respond to said formatted display within a period of time, said ~~failure to respond is treated as a~~ response comprises comprising a signal that said user has chosen not to respond to said formatted display.

14. (Currently Amended) The method of Claim 1, wherein options for said component are presented in said formatted display of step (b); wherein the selected component is dynamically selected from a plurality of components associated with said base product based on ~~a function of a characteristic in said user profile.~~
15. (Previously Presented) The method of Claim 1, further comprising the steps of:
- transmitting a set of questions;
 - receiving at least one answer to said set of questions; and
 - updating said characteristic in said user profile based on said at least one answer.
16. (Previously Presented) The method of Claim 1, wherein a characteristic in said user profile associated with said user is modified based on a user event associated with said user occurring during an optimization of a different product.
17. (Previously Presented) The method of Claim 1, wherein a characteristic in said user profile associated with said user is modified based on a user event associated with said user occurring during an optimization of said product during a different session.
18. (Currently Amended) A computer readable memory to direct a computer to optimize a product during an optimization session comprising one or more computer sessions, said product including a base product, comprising:
- a user profile database stored in said memory; each profile in said user profile database being uniquely associated with a different user, persisting across multiple optimization sessions, and including a characteristic that corresponds to said user; and
 - an advisor module for helping a user optimize said product;
 - said advisor module including executable instructions, said executable instructions including:
 - (a) instructions for obtaining an identification of said user and a preliminary

designation of said product; said identification identifying a user profile associated with said user that includes at least one characteristic corresponding to said user in said user profile database; wherein said instructions for obtaining an identification further include instructions for creating said user profile when it does not exist in said user profile database;

(b) instructions for providing a formatted display that includes a set of content related to said product, the set of content and the format determined by a function of the at least one characteristic in said user profile;

(c) instructions for updating, based on a response by said user:

(1) the at least one characteristic in said user profile to create an updated user profile; and

(2) a component associated with said base product when said response includes a selection of an option from a different set of options associated with said component; and

(d) storing said updated user profile to determine the set of content and format of the formatted display for a future presentation made to said user; and

(e) repeating steps (b) through (d) across one or more computer sessions at least once to optimize said product.

19. (Previously Presented) The computer readable memory of Claim 18, wherein said product further includes a plurality of components associated with said base product, each component in said plurality of components corresponding to, and selected by said user from, a different set of options.

20. (Previously Presented) The computer readable memory of Claim 19, wherein a default option is designated for each component in said plurality of components.

21. (Previously Presented) The computer readable memory of Claim 18, wherein the formatted display provides a portion of a set of options corresponding to a component

associated with said base product.

22. (Previously Presented) The computer readable memory of Claim 18, wherein said response to said formatted display of step (b) includes a designation of an option for a component associated with said base product and step (c) further includes instructions for updating said component in said user profile.

23. (Previously Presented) The computer readable memory of Claim 18, wherein said product is optimized when said user indicates that said product is optimized.

24. (Previously Presented) The computer readable memory of Claim 18, wherein said formatted display reports a correlation between a component in said product and a characteristic in said user profile when said correlation exceeds a threshold value.

25. (Currently Amended) The computer readable memory of Claim 18, wherein a timer is used to monitor the period of time between the presentation of said formatted display and the response to the formatted display by the user and when said user does not respond to said formatted display within a period of time, a signal that said user has not chosen to respond to said formatted display is sent to the instructions for receiving a response, ~~and said response received by said instructions for receiving a response comprises a signal that said user has chosen not to respond to said formatted display.~~

26. (Previously Presented) The computer readable memory of Claim 18, wherein instructions for obtaining an identification of a user and a preliminary designation of said product further includes:

instructions for querying said user profile database and identifying said user profile from a response to said query; wherein, when a response to said query fails to identify said profile, said instructions to obtain a user profile further include:

instructions for initiating a new user profile and associating said new user profile with said user; and

instructions for storing said new user profile in said user profile database.

27. (Previously Presented) The computer readable memory of Claim 18, further comprising:

a knowledge database stored in said memory; said knowledge database including a description of said base product and a description of at least one option in at least one set of options corresponding to a component associated with said base product; wherein:

said instructions for providing a formatted display, which includes the set of options corresponding to a component selected from said plurality of components associated with said base product, further includes:

instructions for accessing a description of an option in said different set of options associated with said component from said knowledge database; wherein said function comprises a comparison of said description with said characteristic in said user profile.

28. (Previously Presented) The computer readable memory of Claim 18, further comprising:

a sales module; said sales module including executable instructions, said executable instructions including:

(a) instructions for providing a product selection choice; each said product in said product selection choice including a base product and at least one default component;

(b) instructions for receiving an election; said election designating a product in said product selection choice;

(c) instructions for determining when to call an instance of said advisor module; and

(d) instructions for calling an instance of said advisor module.

29. (Previously Presented) The computer readable memory of Claim 28, wherein

said instructions for calling an instance of said advisor module further includes instructions for generating said event record and for passing said event record to said advisor module when said instance of said advisor module is called by said sales module.

30. (Currently Amended) The computer readable memory of Claim 28, the computer readable memory further comprising a sales module-database for storing pricing information associated with said product; the sales module further including:

instructions for querying said sales database for pricing information corresponding to said product selection; and

instructions for transmitting said pricing information.

31. (Currently Amended) The computer readable memory of Claim 28, wherein said sales module further includes:

instructions for providing a user selectable event;

instructions for receiving an indication that said user selectable event tag-has been selected by said user; said sales module further including instructions for notifying said advisor module when a signal indicating that said user selectable event has been selected said-tag is received.

32. (Currently Amended) The computer readable memory of Claim 28, wherein said sales module further comprises instructions for terminating an instance of said advisor module when a second election is received by said instructions for receiving an election described in claim 28 paragraph b; said second election including an indication that said user wishes to terminate said instance of said advisor module.

33. (Previously Presented) The computer readable memory of Claim 18, wherein said profile in said user profile database includes a user identifier and at least one entry selected from the group consisting of a domain familiarity indicator, an advisor interaction database, a product preference database, a product selection database, and a user characteristic.

34. (Previously Presented) The computer readable memory of Claim 18, wherein said formatted display comprises a menu including one or more elements selected from the group consisting of an option associated with a component, associated with said base product a frequently asked question associated with said component, an instructional sequence prompt, and a recommendation message.

35. (Previously Presented) The computer readable memory of Claim 18, wherein a manifestation of said advisor module includes at least one feature selected from the group consisting of an on-screen character, an audible voice, text, a multimedia prop, and a sound effect.

36. (Previously Presented) The computer readable memory of Claim 18, wherein said advisor module further comprises:

instructions for storing a record of said product optimization; and instructions for resuming a product optimization based on a stored record of a prior product optimization.

37. (Currently Amended) A method of optimizing a product, during an optimization session comprising one or more computer sessions, said product including a base product, the method comprising the steps of:

(a) obtaining an identification of a user and a preliminary designation of said product; said identification identifying a user profile which is persistent across multiple optimization sessions and that is uniquely associated with said user, the user profile including at least one characteristic corresponding to said user;

(b) providing a formatted display that includes a set of content related to said product and a format, the set of content and the format determined by the at least one characteristic in said user profile;

(c) updating, based on a response by the user;

(1) the at least one characteristic in said user profile to create an

updated user profile;

(2) a component associated with said base product when said response includes a selection of an option from a different set of options associated with said component;

(d) storing said updated user profile to determine the set of content and format of the formatted display for a future presentation made to said user;

(e) repeating steps (b) through (d) across one or more computer sessions at least once to optimize said product; and

(f) providing automated assistance at the request of said user; and

(g) presenting in the formatted display one or more suggested components based on the user profile.

38. (Previously Presented) The method of claim 37, wherein the at least one characteristic in said user profile comprises an indicator that indicates the number of times that the user requested automated assistance.

39. (Previously Presented) The method of claim 1, wherein the at least one characteristic in said user profile comprises an indication of the user's price sensitivity.

REMARKS

The claims were amended in accordance with the marked-up amendments, above. The amendments are being made to clarify the invention and address issues raised in the office action. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

Applicants and the undersigned attorney appreciate the courtesies extended during the telephonic interview on September 21, 2005. While no agreement was reached during that interview, and the Examiner specifically reserved the right to conduct a further prior art search, applicants believe that the claims as presently amended are patentable over the prior art of record. As discussed in the interview, the claims have been amended to distinguish the concept of an optimization session from the concept of a computer session.

The Office Action rejected Claims 13 and 31 under 35 U.S.C. § 112, paragraph 1, as failing to comply with the written description requirement. Applicants traverse those rejections.

Regarding Claim 13, the Examiner rejected a formulation of that claim which read:

[t]he method of Claim 1, wherein, when said user does not respond to said formatted display within a period of time, said response comprises a signal that said user has chosen not to respond to said formatted display

because the "[a]pplicant does not explain how there can be a response when a user does not respond [...within a certain period of time...]. That is, applicant does not explain how a *non-existing* response can comprise **anything**, including a signal, as claimed." Office Action, page 3 (emphasis in original). Claim 13 now states that

a timer is used to monitor the period of time between the presentation of said formatted display and the response to the formatted display by the user and, when said user does not respond to said formatted display

within a period of time, said failure to respond is treated as a response comprising a signal that said user has chosen not to respond to said formatted display.

Applicants respectfully submit that the current amendment to Claim 13 overcomes the rejection of that claim based on 35 U.S.C. § 112, paragraph 1. Therefore, applicants respectfully request that that rejection of Claim 13 be withdrawn.

Regarding Claim 31, the Examiner rejected a formulation of that claim which read

[t]he computer readable memory of Claim 28, wherein said sales module further includes:

instructions for providing a user selectable event;

instructions for receiving an indication that said user selectable event tag has been selected by said user; said sales module further including instructions for notifying said advisor module when said tag is received

because the phrase "**user selectable event tag** [was]...not otherwise mentioned in the specifications." Office Action, page 3 (emphasis in original). The third paragraph of Claim 31, which previously contained the phrase "user selectable event tag" has been amended to read "instructions for receiving an indication that said user selectable event has been selected by said user; said sales module further including instructions for notifying said advisor module when a signal indicating that said user selectable event has been selected is received." Applicants respectfully submit that the current amendment to Claim 31 overcomes the rejection of that claim based on 35 U.S.C. § 112, paragraph 1. Therefore, applicants respectfully request that that rejection of Claim 31 be withdrawn.

The Office Action rejected Claims 10, 13 and 32 under 35 U.S.C. § 112, paragraph 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants traverse those rejections.

Regarding Claim 10, the Examiner rejected a formulation of that claim which read

[t]he method of Claim 9, wherein said correlation between said component in said product and said characteristic in said user profile is reduced when there is a conflict between a first and a second component in a plurality of components associated with said base product

because "[t]he term **correlation between [...] product component and [...] characteristic in a user profile**, appear to refer to a relative desirability or relative importance attached to a particular component by a customer based on data stored as part of consumer information, and as expressed via customer's selections on a screen...[but] the claims do not provide a way to measure this **relative** affiliation." Office Action, page 4 (emphasis in original). Applicants contemplate various methods of determining the correlation between product components and characteristics in a user profile. For example,

[I]n a preferred embodiment, advisor interaction database 220 tracks the interest level in each component associated with a base product (224). Such interest levels are, in part, based on the type of information consumed by the user (226). This information includes the number and types of frequently asked questions (FAQs) that are chosen by a user for review and by the nature of the requests for advice that are made by the user.

Specification at page 11, lines 10-15.

Applicants respectfully submit that the above citation is sufficient to overcome the rejection of Claim 10 under 35 U.S.C. § 112, paragraph 2. Therefore, applicants respectfully request that that rejection of Claim 10 be withdrawn.

Regarding Claim 13, the Examiner rejected the previous formulation of that claim provided above because "applicant does not explain how a *non-existing* response can comprise **anything**, including a signal, as claimed." Office Action, page 4 (emphasis in original). Applicants note that the specification states that

[t]he process of FIG. 6C begins when the user interacts with a formatted display generated by advisor module 108 (680) or controls associated with the advisor module 108. Illustrative of such interactions is a request for advice on a component associated with the base product selected in FIG. 6A, request for general advice on, for example, the product domain, an interaction with an element of the formatted display presented in processing step 626 (FIG. 6A), or a time out arising from the fact the user

has not responded to advisor module 108 for a period of time.
Page 32, lines 4-10.

Applicants respectfully submit that the current amendment to Claim 13, supported and explained at least by the cited passage, overcomes the rejection of that claim based on 35 U.S.C. § 112, paragraph 2. Therefore, applicants respectfully request that that rejection of Claim 13 be withdrawn.

Regarding Claim 32, the Examiner rejected a formulation of that claim which read

[t]he computer readable memory of Claim 28, wherein said sales module further comprises instructions for terminating an instance of said advisor module when a second election is received by said instructions for receiving an election; said second election including an indication that said user wishes to terminate said instance of said advisor module

because "it is not clear what is the antecedent basis for ...said instructions... since there are 15 sets of possible instructions that can serve as antecedent (claim 32 refers to another set of instructions, claim 28 refers to 6 sets of instructions and claim 18 refers to an additional 8 sets of instructions)." Office Action, page 5. Claim 32 now reads

[t]he computer readable memory of Claim 28, wherein said sales module further comprises instructions for terminating an instance of said advisor module when a second election is received by said instructions for receiving an election described in claim 28 paragraph b; said second election including an indication that said user wishes to terminate said instance of said advisor module.

Applicants respectfully submit that the current amendment to Claim 32 overcomes the rejection of that claim based on 35 U.S.C. § 112, paragraph 2. Therefore, applicants respectfully request that that rejection of Claim 32 be withdrawn.

The Office Action objected to Claims 1, 7 and 30 because of various informalities and requested appropriate correction. Applicants have amended those claims in such a manner as to address the objections raised by the Examiner. Therefore, applicants respectfully request that the objections to Claims 1, 7 and 30 be withdrawn.

The Office Action rejected Claims 1-12, and 14-39 under 35 U.S.C. § 102(e), as being anticipated by Henson (US Patent 6,167,383). Applicants traverse those rejections.

Regarding Claim 1, the Examiner rejected a formulation of that claim which read

A method of optimizing a product, said product including a base product, the method comprising the steps of:

(b)(a) obtaining an identification of a user and a preliminary designation of said product; said identification identifying a user profile that is uniquely associated with said user, the user profile including at least one characteristic corresponding to said user;

(b) providing a formatted display that includes a set of content related to said product and a format, the set of content and the format determined by the at least one characteristic in said user profile;

(b)(c) updating, based on a response by the user;

(1) the at least one characteristic in said user profile to create an updated user profile;

(2) a component associated with said base product when said response includes a selection of an option from a different set of options associated with said component;

(d) storing said updated user profile to determine the set of content and format of the formatted display for a future presentation made to said user; and

(e) repeating steps (b) through (d) at least once to optimize said product.

(for the sake of convenience, word processing errors in the previous formulation of Claim 1 have been corrected in strikethrough and underline format).

Focusing specifically on paragraph (d), the Examiner asserted that Henson taught "storing the updated user profile to determine the set of content and format of the formatted display for a future representation made to the user" in "at least references to saving a cart (portion of a user profile) and viewing the cart later." Office Action, page 11. Applicants note that Henson states that "[a] user can place an item into the cart,

back out of the store, re-enter and place another item in the cart, because the cart is controlled by a session." Henson, col. 10, ll. 52-54. As discussed in the interview of September 21, 2005, applicants have amended Claim 1 to distinguish between the type of persistence of the data saved to the shopping cart, and the persistence of the data stored in the user profiles of the present invention. Specifically, applicants note that Claim 1 now reads

A method of optimizing a product during an optimization session, each optimization session comprising one or more computer sessions, said product including a base product, the method comprising the steps of:

(b)(a) obtaining an identification of a user and a preliminary designation of said product; said identification identifying a user profile that is uniquely associated with said user, the user profile being persistent across multiple optimization sessions and including at least one characteristic corresponding to said user;

(b) providing a formatted display that includes a set of content related to said product and a format, the set of content and the format determined by the at least one characteristic in said user profile;

(b)(c) updating, based on a response by the user;

(1) the at least one characteristic in said user profile to create an updated user profile;

(2) a component associated with said base product when said response includes a selection of an option from a different set of options associated with said component;

(d) storing said updated user profile to determine the set of content and format of the formatted display for a future presentation made to said user; and

(e) repeating steps (b) through (d) across one or more computer sessions at least once to optimize said product.
(current claim 1 shown in strikethrough and underline format for convenience).

Applicants assert that the present version of Claim 1 currently claims that the data stored in the updated user profile is persistent across both computer sessions and optimization sessions and thus patentable over Henson. Additionally, applicants assert that Claim 1 recites further novel limitations not disclosed in Henson which provide

additional grounds for patentability. Therefore, applicants respectfully request that the rejection of Claim 1 be withdrawn.

Regarding Claims 2-12, and 14-17, applicants note that the claims all depend on Claim 1. Applicants assert that, since those claims contain each novel limitation of Claim 1 by virtue of depending on that claim, the rejections of Claims 2-14 and 14-17 should be withdrawn for at least the reasons presented above with respect to claim 1. Applicants further assert that those dependent claims contain further novel limitations which provide independent basis for patentability. Therefore applicants respectfully request that the rejections of Claims 2-12 and 14-17 as being anticipated by Henson under 35 U.S.C. § 102(e) be withdrawn.

Regarding Claim 18, the Examiner rejected a formulation of that claim which read

A computer readable memory to direct a computer to optimize a product, said product including a base product, comprising:

a user profile database stored in said memory; each profile in said user profile database being uniquely associated with a different user, and including a characteristic that corresponds to said user; and

an advisor module for helping a user optimize said product;

said advisor module including executable instructions, said executable instructions including:

(a) instructions for obtaining an identification of said user and a preliminary designation of said product; said identification identifying a user profile associated with said user that includes at least one characteristic corresponding to said user in said user profile database; wherein said instructions for obtaining an identification further include instructions for creating said user profile when it does not exist in said user profile database;

(b) instructions for providing a formatted display that includes a set of content related to said product, the set of content and the format determined by a function of the at least one characteristic in said user profile;

(c) instructions for updating, based on a response by said user:

(1) the at least one characteristic in said user profile to

create an updated user profile; and

(2) a component associated with said base product when said response includes a selection of an option from a different set of options associated with said component; and

(d) storing said updated user profile to determine the set of content and format of the formatted display for a future presentation made to said user; and

(e) repeating steps (b) through (d) at least once to optimize said product.

Applicants assert that, since Claim 18 has been amended in a similar manner as Claim 1 and is therefore patentable over Henson for the same reasons. Additionally, applicants assert that Claim 18 recites further novel limitations not disclosed in Henson which provide additional grounds for patentability. Therefore, applicants respectfully request that the rejection of Claim 18 be withdrawn.

Regarding Claims 19-36, applicants note that Claims 19-36 depend on Claim 18. Applicants assert that, since those claims contain each novel limitation of Claim 18 by virtue of depending on that claim, the rejections of Claims 19-36 should be withdrawn for at least the reasons presented above with respect to Claim 18. Applicants further assert that those dependent claims contain further novel limitations which provide independent basis for patentability. Therefore applicants respectfully request that the rejections of Claims 19-36 as being anticipated by Henson under 35 U.S.C. § 102(e) be withdrawn.

Regarding Claim 37, the examiner rejected a formulation of that claim which read

A method of optimizing a product, said product including a base product, the method comprising the steps of:

(a) obtaining an identification of a user and a preliminary designation of said product; said identification identifying a user profile that is uniquely associated with said user, the user profile including at least one characteristic corresponding to said user;

(b) providing a formatted display that includes a set of content related to said product and a format, the set of content and the format

determined by the at least one characteristic in said user profile;

(c) updating, based on a response by the user;

(1) the at least one characteristic in said user profile to create an updated user profile;

(2) a component associated with said base product when said response includes a selection of an option from a different set of options associated with said component;

(d) storing said updated user profile to determine the set of content and format of the formatted display for a future presentation made to said user;

(e) repeating steps (b) through (d) at least once to optimize said product; and

(f) providing automated assistance at the request of said user.

Applicants assert that since Claim 37 has been amended in a similar manner as Claim 1 and is therefore patentable over Henson for the same reasons. Additionally, applicants assert that Claim 37 recites further novel limitations not disclosed in Henson which provide additional grounds for patentability. Therefore, applicants respectfully request that the rejection of Claim 37 be withdrawn.

Regarding Claim 38, applicants note that Claim 38 depends on Claim 37.

Applicants assert that, since Claim 38 contains each novel limitation of Claim 37 by virtue of depending on that claim, the rejection of Claim 38 should be withdrawn for at least the reasons presented above with respect to Claim 37. Applicants further assert that Claim 38 contains further novel limitations which provide independent basis for patentability. Therefore applicants respectfully request that the rejection of Claim 38 as being anticipated by Henson under 35 U.S.C. § 102(e) be withdrawn.

Regarding Claim 39, applicants note that Claim 39 depends on Claim 1.

Applicants assert that, since Claim 39 contains each novel limitation of Claim 1 by virtue of depending on that claim, the rejection of Claim 39 should be withdrawn for at least the reasons presented above with respect to Claim 1. Applicants further assert that Claim 39 contains further novel limitations which provide independent basis for

patentability. Therefore applicants respectfully request that the rejection of Claim 39 as being anticipated by Henson under 35 U.S.C. § 102(e) be withdrawn.

The Office Action rejected Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Henson in view of Official Notice. Applicants traverse that rejection because a *prima facie* case of obviousness has not, and cannot be, established. The legal concept of *prima facie* obviousness is a procedural tool of examination which applies broadly to all arts. It allocates who has the burden of going forward with production of evidence in each step of the examination process. To establish a *prima facie* case of obviousness, as specified in MPEP § 2143, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Finally, there must be a reasonable expectation of success.

Regarding Claim 13, applicants note that Claim 13 depends on Claim 1. Applicants assert that, since Claim 13 contains each novel limitation of Claim 1 by virtue of depending on that claim, the rejection of Claim 13 should be withdrawn, because an obviousness rejection requires that each limitation in a claim be taught or suggested in the prior art. Applicants further assert that Claim 13 contains novel limitations in addition to those incorporated by reference to Claim 1 which provide independent basis for patentability. Therefore applicants respectfully request that the rejection of Claim 13 as being obvious over Henson in view of official notice under 35 U.S.C. § 103(a) be withdrawn.

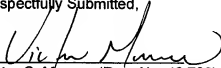
The Office Action rejected Claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Henson in view of the article "Dell Uses Internet to Offer Small Business Customers Personalized Sales and Educational Programs," *Business Editors & Technology Writers Business Wire*, New York: Jul. 20, 1998) (hereinafter Dell). Applicants traverse that rejection.

Regarding Claim 38, applicants note that Claim 38 depends on Claim 37. Applicants assert that, since Claim 38 contains each novel limitation of Claim 37 by virtue of depending on that claim, the rejection of Claim 38 should be withdrawn, because an obviousness rejection requires that each limitation in a claim be taught or suggested in the prior art. Applicants further assert that Claim 38 contains novel limitations in addition to those incorporated by reference to Claim 37 which provide independent basis for patentability. Therefore applicants respectfully request that the rejection of Claim 38 as being obvious over Henson in view of Dell under 35 U.S.C. § 103(a) be withdrawn.

It should be noted that the foregoing is not an exhaustive list of claimed features not taught or suggested by the references of record, and that further limitations are believed to be novel and non-obvious in view of that art.

Based on the foregoing all pending claims are in a condition for allowance. Accordingly, applicants submit that all pending claims overcome the rejections presented in the Office Action, and respectfully request reconsideration and a notice of allowance.

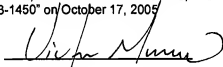
Respectfully Submitted,



Victor C. Moreno (Reg. No. 40,732)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6812

Certificate of Mailing

The undersigned certifies that this correspondence was deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on October 17, 2005.

A handwritten signature in black ink, appearing to read "Victoria Munoz", is written over a horizontal line.



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz Alerts](#) | [News](#) | [Help](#)

Portal Ho	Patent	Trademark	Other	Sign-Off	Authenticated Session
-----------	--------	-----------	-------	----------	-----------------------

Patent eBusiness

- [+ Electronic Filing](#)
- [+ Patent Application Information \(PAIR\)](#)
- [+ Patent Ownership](#)
- [+ Fees](#)
- [+ Supplemental Resources & Support](#)

Patent Information

- [Patent Guidance and General Info](#)
- [Codes, Rules & Manuals](#)
- [Employee & Office Directories](#)
- [Resources & Public Notices](#)

Patent Searches

- [Patent Official Gazette](#)
- [Search Patents & Applications](#)
- [Search Biological Sequences](#)
- [Copies, Products & Services](#)

Other

- [Copyrights](#)
[Trademarks](#)
[Policy & Law](#)
[Reports](#)

Secured Patent Application Information Retrieval

XML

Order Certified Application As Filed **Order Certified File Wrapper**

Download

System and method for optimizing a product configuration

Select New Case	Application Date	Transaction History	Image File Wrapper	Address & Attorney/Agent	Assignments	Display References	Publication Review
--------------------	---------------------	------------------------	-----------------------	-----------------------------	-------------	-----------------------	-----------------------

This application is officially maintained in electronic form. To View: Click the desired C
To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

[illegible]

06-17-2005	SRFW	Search information including classification, databases and other search related notes	PROSECUTION
06-17-2005	FWCLM	Index of Claims	PROSECUTION
06-17-2005	SRNT	Examiner's search strategy and results	PROSECUTION
06-09-2005	SRNT	Examiner's search strategy and results	PROSECUTION
03-17-2005	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION
03-17-2005	CLM	Claims Applicant	PROSECUTION
03-17-2005	REM	Arguments/Remarks Made in an Amendment	PROSECUTION
03-17-2005	RCEX	Request for Continued Examination (RCE)	PROSECUTION
03-17-2005	TRTC	Transmittal to TC	PROSECUTION
03-17-2005	XT/	Extension of Time	PROSECUTION
10-19-2004	CTFR	Final Rejection	PROSECUTION
10-19-2004	892	List of references cited by examiner	PRIOR ART
10-19-2004	NPL	NPL Documents	PRIOR ART
10-19-2004	NPL	NPL Documents	PRIOR ART
10-19-2004	FWCLM	Index of Claims	PROSECUTION
10-19-2004	SRFW	Search information including classification, databases and other search related notes	PROSECUTION
10-19-2004	SRNT	Examiner's search strategy and results	PROSECUTION
07-19-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION
07-19-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION
06-09-2004	A...	Amendment - After Non-Final Rejection	PROSECUTION
06-09-2004	CLM	Claims Applicant	PROSECUTION
06-09-2004	REM	Arguments/Remarks Made in an Amendment	PROSECUTION
06-09-2004	TRTC	Transmittal to TC	PROSECUTION
03-18-2004	CTMS	Miscellaneous Action with SSP	PROSECUTION
03-05-2004	TRTC	Transmittal to TC	PROSECUTION
03-05-2004	PA..	Power of Attorney	PROSECUTION
08-19-2003	CTNF	Non-Final Rejection	PROSECUTION
08-19-2003	892	List of references cited by examiner	PRIOR ART

[illegible]

11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
11-08-2001	NPL	NPL Documents	PRIOR ART
10-09-2001	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION
10-09-2001	OATH	Oath or Declaration filed	PROSECUTION
10-09-2001	PA.	Power of Attorney	PROSECUTION
10-09-2001	A.PE	Preliminary Amendment	PROSECUTION
10-09-2001	SPEC	Specification	PROSECUTION
10-09-2001	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION
10-09-2001	XT/	Extension of Time	PROSECUTION
06-25-2001	TRTC	Transmittal to TC	PROSECUTION
06-25-2001	OATH	Oath or Declaration filed	PROSECUTION
06-25-2001	PA..	Power of Attorney	PROSECUTION
08-10-2000	A.PE	Preliminary Amendment	PROSECUTION
08-10-2000	SPEC	Specification	PROSECUTION
08-10-2000	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION
08-10-2000	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION
08-10-2000	OATH	Oath or Declaration filed	PROSECUTION
08-10-2000	XT/	Extension of Time	PROSECUTION
05-15-2000	CTMS	Miscellaneous Action with SSP	PROSECUTION
03-03-2000	LET.	Miscellaneous Incoming Letter Issue Information including	AS FILED
03-03-2000	IIFW	classification, examiner, name, claim, renumbering, etc.	PROSECUTION
03-03-2000	SRFW	Search information including classification, databases and other search related notes	PROSECUTION

03-03-2000	FWCLM	Index of Claims	PROSECUTION
03-03-2000	TRNA	Transmittal of New Application	PROSECUTION
03-03-2000	DRW	Drawings-only black and white line drawings	PROSECUTION
03-03-2000	SPEC	Specification	PROSECUTION
03-03-2000	CLM	Claims	PROSECUTION
03-03-2000	ABST	Abstract	PROSECUTION
03-03-2000	OATH	Oath or Declaration filed	PROSECUTION
03-03-2000	WFEE	Fee Worksheet (PTO-06)	PROSECUTION
03-03-2000	WFEE	Fee Worksheet (PTO-06)	PROSECUTION
		Information	
03-03-2000	IDS	Disclosure Statement (IDS) Filed	PROSECUTION
03-03-2000	NPL	NPL Documents	PRIOR ART
03-03-2000	NPL	NPL Documents	PRIOR ART
03-03-2000	NPL	NPL Documents	PRIOR ART
03-03-2000	NPL	NPL Documents	PRIOR ART
03-03-2000	NPL	NPL Documents	PRIOR ART

[Select All](#)

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UC\)](#)
- If you experience technical difficulties or problems with this application, please refer to [Electronic Business Support](#) or call 1 800-786-9199.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the Webmaster@uspto.gov. While we cannot promise to accommodate considered and may lead to other improvements on the website.

[Home](#) | [Site Index](#) | [Search](#) | [eBusiness](#) | [Help](#) | [Privacy Policy](#)